

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DANIEL T. LIPSCOMB,)	CASE NO. 7:20CV00411
)	
Plaintiff,)	
v.)	MEMORANDUM OPINION
)	
SUPERINTENDANT JAMES F.)	
WHITLEY, <u>ET AL.</u>,)	By: Glen E. Conrad
)	Senior United States District Judge
Defendants.)	

This case is presently before the court on plaintiff Daniel T. Lipscomb’s motion seeking a preliminary injunction to prohibit jail officials from retaliating against him for filing this lawsuit. The court issued an order taking this motion under advisement and notifying Lipscomb that his complaint and his motion were trying to join unrelated claims, which is inconsistent with the Federal Rules of Civil Procedure. Lipscomb has now filed an amended complaint, alleging that jail officials have maintained him in segregated confinement without due process under harsh living conditions. By separate order, the court has directed the clerk’s office to attempt service of the amended complaint on the defendants.

Because Lipscomb’s motion for preliminary injunctive relief is not related to the actions of the defendants alleged in the amended complaint, however, the court must deny that motion. “[A] preliminary injunction may never issue to prevent an injury or harm which not even the moving party contends was caused by the wrong claimed in the underlying action.” Omega World Travel v. TWA, 111 F.3d 14, 16 (4th Cir. 1997). To warrant interlocutory relief, the movant “must necessarily establish a relationship between the injury claimed in the party’s motion and the conduct asserted in the complaint.” Id. Lipscomb’s motion fails to make this showing as to the defendants’ alleged conduct. Accordingly, the court cannot find that he is

entitled to the extraordinary remedy he is seeking and will deny his motion. An appropriate order will enter this day.

ENTER: This 1st day of September, 2020.

A handwritten signature in black ink, appearing to read "Hon. Course".

Senior United States District Judge